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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/341,368	10/05/1999	WILFRIED JAEHNER	67190/965158	5042

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03/28/2002

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EXAMINER

LEJA, RONALD W

ART UNIT

PAPER NUMBER

2836

DATE MAILED: 03/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/341,368

Applicant(s)

JAEHNER ET AL.

Examiner

Ronald W Leja

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 February 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires six months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 2/15/02. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Pages 2&3.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Ronald W. Leja
Ronald W Leja
Primary Examiner
Art Unit: 2836

3/26/02

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The Remarks of 2/22/02 are drawn to the application of Heider (4,429,342) to Claims 5-7. Applicants essentially argue that Heider "teaches a position sensor (12) that measures the passage thereby of an armature (4)." After armature (4) passes out of the sensing path of the position sensor (12), a pulse is generated so as to stop a timer element (37). A timer value is then compared with a value stored in memory.... "Therefore, the sensor (12) is simply a dumb switch that is either in an on or off state." Applicants continue that the sensors of the instant invention "are capable of detecting actual values of drive-specific switching parameters that are variable in nature during a switching operation."

Independent Claim 5 recites that the drive-specific switching parameters include "at least one of a contact speed, a contact path and a flux." It is the opinion of the Examiner, that regardless whether Heider utilizes timer circuitry and etc... (and wherein Applicants also allege that such becomes time control rather than contact path control), the fact cannot be denied that sensor (12) measures the drive-specific switching parameter, "contact path". Such a parameter is considered to be **variable** since if the path was a constant, there would not be a need to measure it and base coil current control upon the measured parameter. Furthermore, Applicants have not pointed to any location within the instant Specification for details concerning the specific sensors being used and how they measure "variable contact path" in any manner different from that of Heider. Applicants' Figure 3 appears to merely illustrate a graph of


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armature "position" vs. "time. A single "contact path" sensor would measure the same position, but possibly at a different time, dependent upon the power applied to drive the solenoid. A plurality of contact path sensors would each measure a different position and each position would possibly be measured at a different time in a subsequent actuation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald W Leja whose telephone number is (703)308-2008. The examiner can normally be reached on mon-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (703)308-3119. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3432 for regular communications and (703)305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3675.


Ronald W Leja
Primary Examiner
Art Unit 2836



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March 26, 2002